

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M87808  
E/sl

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
CHERYL E. CHAMBERS  
PLUMMER E. LOTT, JJ.

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2008-08109, 2008-10549

DECISION & ORDER ON MOTION

Ann Gibson, appellant,  
v Bruce Schaeffer, etc., et al., respondents.

(Index No. 06-3562)

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Motion by the appellant to enlarge the time to perfect appeals from two orders of the Supreme Court, Westchester County, dated July 18, 2008, and September 16, 2008, respectively. Cross motion by the respondent Deborah Ross to dismiss the appeal from the order dated July 18, 2008, on the ground that it was entered upon the appellant's default.

Upon the papers filed in support of the motion and the cross motion, the papers filed in opposition to the motion, and no papers having been filed in opposition or in relation to the cross motion, it is

ORDERED that the cross motion is granted, and the appeal from the order dated July 18, 2008 (Appellate Division Docket No. 2008-08109), is dismissed, without costs or disbursements (*see Marino v Termini*, 4 AD3d 342); and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal from the order dated July 18, 2008, is denied as academic; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal from the order dated September 16, 2008 (Appellate Division Docket No. 2008-10549), is granted, the appellant's time to perfect that appeal is enlarged until August 10, 2009, and the record or appendix on the appeal and the appellant's brief must be served and filed on or before that date; and it is further,

June 10, 2009


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ORDERED that no further enlargement of time shall be granted.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court